

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

\* \* \*  
Case No.: 2:17-CR-00406-RCJ  
ORDER

v.

DANNY BUENO,

Defendant.

Before the Court is Defendant Danny Bueno’s (“Bueno”) Motion for Early Termination of Supervised Release. (ECF No. 43). The Government filed a Response to Defendant’s Motion for Early Termination of Supervised Release (ECF No. 44) and in response Bueno filed a reply. (ECF No. 45).

On May 14, 2018, Bueno plead guilty to the Indictment Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2). The Court later sentenced him to a term of twenty-three (23) months imprisonment, consecutive to Nevada state court case number C-16-318435, and concurrent to state case number CR005104-17, with three years of supervised release, which began on January 29, 2021. At this time, he has served roughly half of the three year sentence imposed.

Bueno asks the Court to terminate his supervised release. 18 U.S.C. § 3564(c) permits a court to terminate supervised release early if, after considering the factors set forth in 18 U.S.C. § 3553(a), “the court is satisfied that such action is warranted by the conduct of the defendant and the interest of justice.” Section 3553(a) provides, in relevant part:

1           The court shall impose a sentence sufficient, but not greater than necessary, to  
 2           comply with the purposes set forth in paragraph (2) of this subsection. The court ...  
 3           —

- 4           (1) the nature and circumstances of the offense and the history and  
 5           characteristics of the defendant;  
 6           (2) the need for the sentence imposed—  
 7               (A) to reflect the seriousness of the offense, to promote respect for the  
 8               law, and to provide just punishment for the offense;  
 9               (B) to afford adequate deterrence to criminal conduct;  
 10              (C) to protect the public from further crimes of the defendant; and  
 11              (D) to provide the defendant needed educational or vocational training,  
 12               medical care, or other correctional treatment in the most effective  
 13               manner;
- 14           ...  
 15           (4) the kinds of sentence and the sentencing range established ...  
 16           (5) any pertinent policy statement ...  
 17           (6) the need to avoid unwarranted sentence disparities among defendants  
 18               with similar records who have been found guilty of similar conduct; and  
 19               the need to provide restitution to any victims of the offense[.]

20           Bueno argues that early termination of supervised release is warranted because he has  
 21           complied with his supervised release terms. While the Government asserts “Bueno has not carried  
 22           his burden to show he is entitled to early termination based on the statutory and advisory factors,”  
 23           they submit this matter to the Court’s discretion. (ECF No. 44 at 4). “Having provided the Court  
 24           with the relevant facts and circumstances surrounding the instant offense, Bueno’s criminal  
 25           history, and his involvement with the 18<sup>th</sup> Street gang, the government submits the matter to the  
 26           discretion of the Court.” (ECF 44 at 5). The U.S. Probation Office does not believe Bueno’s  
 27           compliance qualifies as “substantial” compliance as a criterion established by the Guide to  
 28           Judiciary Policy, Volume 8E, Chapter 3. Although he has been compliant, it is of the opinion of  
 29           the U.S. Probation Office that this alone does not merit early termination. Mr. Bueno’s compliance  
 30           is what is expected of him while under supervised release and does not constitute extraordinary  
 31           conduct that would deem him appropriate for consideration of early termination.

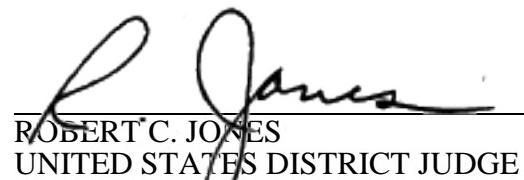
32           After considering the Section 3553(a) factors, Bueno’s conduct while on supervised  
 33           release, the Government’s acquiescence, and the interest of justice, the Court finds that early  
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1 termination of Bueno's supervised release sentence is warranted. Accordingly, the Court grants  
2 Bueno's motion for early termination of supervised release.

3 IT IS THEREFORE ORDERED that Bueno's Motion for Early Termination of Supervised  
4 Release is GRANTED. (ECF No. 43).

5 IT IS SO ORDERED.

6 DATED this 28th day of October, 2022.

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9 ROBERT C. JONES  
10 UNITED STATES DISTRICT JUDGE  
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